



Highlights of the 2005 amendments to the *Dangerous Waste Regulations* in effect January 1, 2005

Ecology Publication 04-04-035

Purpose of the Amendments

The Washington State Department of Ecology (Ecology) recently finalized changes to the *Dangerous Waste Regulations* ([Chapter 173-303 WAC](#)), which provide guidance for hazardous-waste management in Washington.

The primary purpose of the rule revision is to incorporate federal requirements into the state's rules. Ecology is authorized by the Environmental Protection Agency (EPA) to implement the federal hazardous-waste rules in Washington. To ensure consistency, Ecology must periodically update the rules by adopting new federal requirements. These changes provide consistency with the federal hazardous-waste rules.

Other changes were made to update state-specific requirements, including technical corrections and other improvements. One significant change to the regulations resulted from the Hazardous Waste Facilities Initiative (HWFI), which extended financial-responsibility requirements to recycling and used-oil facilities.

Highlights of the changes:

☐ North American Industry Classification System codes

SIC (U.S. Standard Industrial Classification) code references were changed to NAICS (North American Industry Classification System) codes throughout the regulation.

☐ International Fire Code

References to the Uniform Fire Code were changed to the International Fire Code, for consistency with statewide requirements to adopt the International Fire Code.

☐ Dangerous Waste Site Identification form

Form name references were changed from "Form 2" to "Dangerous Waste Site Identification Form," to be consistent with the forms themselves.

☐ Mercury-containing equipment – universal waste

Mercury-containing equipment can now be managed as "universal waste," with simpler handling requirements, no counting or manifesting and longer accumulation times. The new requirements are consistent with the federal rule that EPA proposed in June 2002. [WAC 173-303-040](#) and [WAC 173-303-573\(4\)](#)

❑ Knowledge defined for waste designation

“Knowledge,” as used for waste designation, was defined to help generators know when they can use knowledge instead of testing to designate their waste. There must be sufficient information to substitute for direct testing of a waste. [WAC 173-303-040](#)

❑ Waste-analysis plans and use of generator knowledge

“Knowledge” was also defined to help treatment, storage and disposal facilities determine if they have sufficient information from generators to decide how those wastes will be handled. Knowledge may be used by itself or in combination with testing, to designate a waste or to obtain detailed analysis, as required for waste-analysis plans. Waste-analysis plan requirements were clarified for confirming and documenting information from a generator on a waste profile for a waste stream. [WAC 173-303-040](#) and [WAC 173-303-300\(2\)\(a\)](#).

❑ Permit-by-rule for wastewater-treatment units

Some wastewater-treatment unit operators will be able to accept more wastes from off-site for treatment at their facility. The rules were broadened to allow permit-by-rule wastewater-treatment units to accept and treat more types of wastes from off-site, provided that the water-quality permit or written discharge authorization adequately covers those wastewaters, and that the wastewaters are similar to those already being treated in the unit. A corresponding change was made to the definition of “designated facility.” [WAC 173-303-040](#) and [WAC 173-303-802\(5\)](#)

❑ Registration number defined

“Registration number” was defined for clarity. Registration numbers are assigned to transporters who own or lease and operate 10-day transfer facilities. [WAC 173-303-040](#)

❑ Partial closure

Notification to Ecology of a partial closure at a facility is now required. [WAC 173-303-400\(3\)\(c\)\(ix\)](#) and [WAC 173-303-610\(3\)\(c\)](#)

❑ Fertilizer registration and zinc fertilizers

Annual fertilizer re-registration (for fertilizers made from dangerous waste) will not be required if there has been no change in the process and materials for at least two previous registrations. [WAC 173-303-505\(1\)](#) and [WAC 173-303-071\(3\)\(pp\)](#)

❑ Used-oil testing

Used-oil testing requirements are being modified to make it easier for Ecology to request a chlorinated-compounds test instead of requiring full-designation testing. [WAC 173-303-515\(13\)](#)

❑ Used oil and small-quantity generators

The rule clarified that conditionally exempt used oil from small-quantity generators when it is burned for energy recovery or re-refined must be managed under the used-oil rules management standards in [WAC 173-303-515](#). [WAC 173-303-070\(8\)\(d\)](#)

☐ **PCB waste code**

The waste code for listed PCB waste was changed from W001 to WPCB. [WAC 173-303-9904](#), [WAC 173-303-515\(5\)\(a\)](#), and [WAC 173-303-071\(3\)\(k\)](#)

☐ **Waste designation**

The change for book designation was made to clarify that data from sources other than NIOSH RTECs may be used for state-criteria waste designation. The change also clarified that when data sources do not agree, the source indicating the severest toxicity must be used for the test endpoint (for example, inhalation instead of dermal results when inhalation indicates severest toxicity); and when data sources do not agree on the same test endpoint (two different results for inhalation data), NIOSH RTECS will be used. [WAC 173-303-100\(5\)](#)

☐ **Labpack paperwork retention**

Paperwork listing the contents of labpacks must be retained for five years. [WAC 173-303-161\(6\)](#)

☐ **Spill reporting for tanks**

Spill-reporting requirements for tanks was changed to be consistent with spill reporting requirements at [WAC 173-303-145](#) for all dangerous wastes. [WAC 173-303-640\(7\)\(d\)](#)

☐ **Site-identification number assignment**

The rule clarified that an EPA/state ID number is issued to facilities and generators by site, and a state registration number is assigned to transfer facilities by site. [WAC 173-303-060\(1\)](#)

☐ **Ignitability characteristic**

Identification of oxidizers under the ignitability characteristic was modified to be consistent with federal rule. [WAC 173-303-090\(5\)](#)

☐ **Hazardous Waste Facilities Initiative**

Under this initiative, recyclers and used oil processors are now required to develop a cost estimate for closure of their facilities, and to meet financial-responsibility requirements. This ensures that when a facility closes there will be adequate financial resources to cover costs associated with closing the facility. [WAC 173-303-120\(3\)](#); [WAC 173-303-610\(1\)\(c\) and \(12\)](#) and [WAC 173-303-620\(1\)\(e\), \(2\)\(a\), \(3\)\(iii\)\(A\), \(4\)\(a\), \(c\), & \(d\), and \(8\)](#)

☐ **Recycling unit defined**

A definition for recycling unit was added as part of the new recycler and used-oil facility requirements. [WAC 173-303-040](#)

☐ **Time limitation on staging wastes prior to recycling**

The rule was changed to allow, on a case-by-case basis, up to 72 hours for staging wastes prior to active recycling. Previously, recycling facilities had up to 24 hours to move wastes into an active recycling process, so they would not be considered “stored” and require a permit. Ecology will consider certain criteria, including the types and volumes of wastes, operational factors of the recycling process, and compliance history, in making the determination of whether or not to allow up to 72 hours for staging wastes. [WAC 173-303-120\(4\)](#)

Ecology authority

This section was modified for consistency with the Hazardous Waste Management Act. Language regarding authority to conduct inspections that already exists at RCW 70.105.130 was removed. Wording was revised to maintain consistency with RCW 70.105.120 and to retain the term “imminent and substantial endangerment.” [WAC 173-303-960](#)

Federal requirements incorporated into the state regulations

Hazardous-waste combustors

Several federal rules were incorporated to add a new permit modification to make it easier for facilities to change their existing permits and to finalize National Emissions Standards for Hazardous Air Pollutants (NESHAPS). [WAC 173-303-040](#), [WAC 173-303-510](#), [WAC 173-303-670\(1\)](#), [WAC 173-303-680\(1\)](#), [WAC 173-303-805\(7\)\(b\)](#), [WAC 173-303-806\(4\)\(f\)](#) and [\(n\)](#), [WAC 173-303-807](#), [WAC 173-303-811](#), [WAC 173-303-841](#), [WAC 173-303-830\(4\)\(j\)](#) and [Appendix I](#)

F006 wastewater treatment sludge

Generators with waste-water treatment sludge from the metal-finishing industry now have up to 180 days to accumulate F006 waste on-site without a hazardous-waste store permit. [WAC 173-303-200\(4\)](#)

Mixture and derived from rule

The “once listed, always listed” rule has been changed so that some listed-waste residues may be exempt if they no longer exhibit the characteristic for which they were listed. While Ecology adopted most of this federal rule, it did not adopt the provision that would allow mixing with a solid waste to remove the characteristic. [WAC 173-303-070\(2\)\(c\)](#), [WAC 173-303-081\(3\)](#), [WAC 173-303-082\(3\)](#)

Corrective action management unit (CAMU)

New corrective action management unit (CAMU) requirements, including the provision that allows “CAMU-eligible” waste to be managed off-site, have been adopted. [WAC 173-303-64610 through 646100](#)

Zinc fertilizer

A new exclusion with product specifications for contaminant limits was adopted for fertilizers made from zinc waste. Ecology did not adopt the related federal exclusion for hazardous secondary materials that are used to make fertilizer. The new requirements for fertilizers made from zinc wastes are more restrictive than previously allowed under the use constituting disposal rule. [WAC 173-303-071\(3\)\(pp\)](#) and [WAC 173-303-505](#)

Radioactively contaminated batteries

The land-disposal restriction treatment category was revised for radioactively contaminated cadmium-, mercury- and silver-containing batteries. Macroencapsulation, as specified for hazardous debris, is the required treatment prior to land disposal. [WAC 173-303-140\(2\)](#)

Waste-minimization requirements

Waste-minimization requirements for treatment, storage and disposal (permitted) facilities were adopted. The purpose of this rule is to ensure that a program is in place to reduce the volume and toxicity of hazardous waste. Facilities already complying with the state pollution-prevention planning requirements will not be expected to submit additional reporting. [WAC 173-303-380\(1\)\(q\)](#), [WAC 173-303-390\(2\)\(g\)](#), [WAC 173-303-810\(11\)\(c\)](#)

Performance Track facilities

Performance Track facilities will be allowed longer waste accumulation times and reduced inspection frequencies if they comply with more rigorous waste-management and pollution-prevention standards. [WAC 173-303-200\(5\)](#)

Chlorinated aliphatics

Two wastewater-treatment sludges were added as listed wastes to the Specific Sources, Organic Chemicals on the Dangerous Waste Source List- K174 (production of ethylene) and K175 (production of vinyl). [WAC 173-303-9904](#) and [WAC 173-303-9905](#)

Metal wastes

Listed wastes K064 (Primary Copper), K065 (Primary Lead), K066 (Primary Zinc), K090 (Ferroalloy), and K091 (Ferroalloy) were removed from the Dangerous Waste Sources List. [WAC 173-303-9904](#)

Inorganic Chemical Manufacturing Wastes

Three wastes were listed as Specific Sources, Inorganic Chemicals on the Dangerous Waste Sources List- K176 (baghouse filters), K177 (slag), and K178 (residues). These wastes were also added to the exclusion for leachate or gas condensate from landfills. [WAC 173-303-071\(3\)\(kk\)](#) and [WAC 173-303-9904](#)

Import and export requirements

Import and export requirements were updated for wastes that move across national borders for recovery, as per the Organization for Economic Cooperation and Development. These requirements are implemented by EPA. [WAC 173-303-120\(2\)\(i\) and \(6\)](#), [WAC 173-303-120\(6\)](#), [WAC 173-303-220\(1\)\(b\)](#), [WAC 173-303-230\(1\)](#), [WAC 173-303-240\(11\)](#), [WAC 173-303-250\(1\)\(a\)](#), [WAC 173-303-290\(1\)\(b\)](#), [WAC 173-303-270\(4\)](#), [WAC 173-303-525\(1\)\(b\)\(iii\)](#), and [WAC 173-303-573\(16\), \(27\), and \(34\)](#)

For more information

You may view the adopted version of the regulations (the sections that were amended) and the Concise Explanatory Statement and Responsiveness Summary (Ecology's responses to public comments) at <http://www.ecy.wa.gov/laws-rules/activity/wac173303.html>.

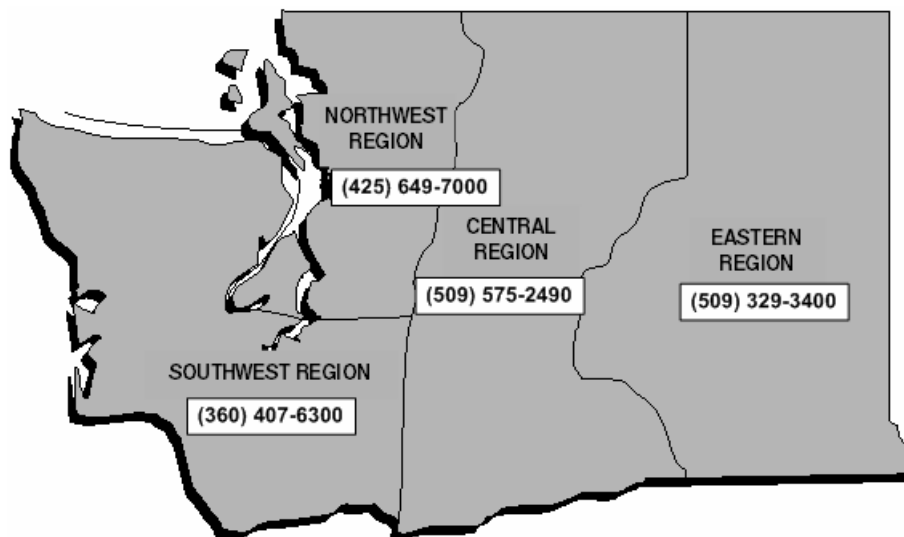
The Concise Explanatory Statement shows the rule-language changes Ecology made between proposal and adoption, based on public comments. It also includes all summarized public comments and Ecology responses. The adopted version of the rule is a "strikeout and underline" version of the rule sections that were changed. This information will be moved to: <http://www.ecy.wa.gov/laws-rules/archive/archive.htm> in early 2005.

The final, or codified, version of the rule, in which all changes have been incorporated, is available on Ecology's Web site at <http://www.ecy.wa.gov/biblio/wac173303.html>.

If you would like to receive a copy of the regulations, please contact Dave Zink by phone, 360-407-6752, e-mail dzin461@ecy.wa.gov, or you may write to:

Dangerous Waste Regulations
Department of Ecology
Hazardous Waste and Toxics Reduction program
Post Office Box 47600
Olympia, WA 98504-6117

For questions on the amended regulations, contact your regional hazardous-waste specialist. Or, for more information, contact Chipper Hervieux at 360-407-6756 or by e-mail at pher461@ecy.wa.gov.



If you need this information in an alternate format, please call the Hazardous Waste and Toxics Reduction Program at 360-407-6700. If you are a person with a speech or hearing impairment, call 711, or 800-833-6388 for TTY.